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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | CASE NO. CR 13-71051 HRL |
| |) | |
| Plaintiff, |) | STIPULATION AND PROPOSED ORDER |
| |) | |
| v. |) | |
| |) | |
| CASEY RILAND, |) | |
| Defendant. |) | |
| |) | |
| |) | |

With the agreement of the parties, and with the consent of the defendant, the Court enters this Order vacating the currently scheduled arraignment or preliminary hearing date of October 9, 2013, at 8:30 a.m. to October 10, 2013, at 1:30 p.m., and further serves to document the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161, from September 6, 2013, up to and including October 10, 2013.

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STIPULATION AND ~~PROPOSED~~ ORDER
CR 13-71051 HRL

1 The parties agree, and the Court finds and holds, as follows:

2 1. The defendant is out of custody on an unsecured bond.

3 2. Government counsel currently assigned to this matter will be leaving the San Jose U.S.
4 Attorney's Office shortly and the matter will be reassigned to another attorney who is currently
5 unfamiliar with the facts of the case. Accordingly, excluding the requested time period from the thirty-
6 day time period by which an information or indictment must be filed under 18 U.S.C. § 3161(b) will
7 provide the newly-assigned attorney for the government with the reasonable time necessary to review
8 the discovery and determine the appropriate charges to file in this case.

9 3. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon
10 the need for counsel to consult with the defendant and review discovery in order to effectively prepare in
11 the context of attempting to negotiate any terms relevant to the disposition of this matter prior to
12 indictment.

13 3. Counsel for the defendant believes that postponing the preliminary hearing is in her client's
14 best interest, and that it is not prejudicial for the defendant to provide the United States with additional
15 time to indict the case.

16 4. The Court finds that, taking into the account the public interest in the prompt disposition of
17 criminal cases, these grounds are good cause for extending the time limits for a preliminary hearing
18 under Federal Rule of Criminal Procedure.

19 5. Given these circumstances, the Court finds that the ends of justice served by excluding the
20 period from September 6, 2013, up to and including October 10, 2013, outweigh the best interest of the
21 public and the defendant in a speedy trial and ensure effective preparation of counsel. 18 U.S.C. §
22 3161(b), (h)(7)(A) and (B).

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1 6. Accordingly, and with the consent of the defendant, the Court (1) resets a preliminary hearing
2 date of October 10, 2013 before this Court at 1:30 p.m.; and (2) orders that the period from September 6,
3 2013 up to and including October 10, 2013 be excluded from the time for preliminary hearings under
4 Rule 5 of Federal Rules of Criminal Procedure as well as the Speedy Trial Act calculations under 18
5 U.S.C. § 3161(b), (h)(7)(A) and (B)(iv).

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10 STIPULATED:

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12 DATED: October 2, 2013

/s/

HEATHER M. ANGOVE
Assistant Federal Public Defender
Attorney for Defendant CASEY RILAND

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15 DATED: October 2, 2013

/s/

MEREDITH J. EDWARDS
Special Assistant United States Attorney

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18 IT IS SO ORDERED.

19 DATED: October 2, 2013



HONORABLE PAUL S. GREWAL
United States Magistrate Judge